

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI

BARBARA JOHNSON, *et al.*

Plaintiffs,

v.

GOVERNOR MICHAEL L. PARSON., *et al.*,

Defendants.

No. 4:24-cv-00174-BP

STATE DEFENDANTS' MOTION TO DISMISS

Defendants Governor Michael L. Parson; Attorney General Andrew Bailey; and Secretary of State Jay Ashcroft respectfully move to dismiss Plaintiff's first amended complaint. F.R.C.P. 12(b)(1), (6), (h)(3). In support, Defendants state the following:

1. On May 6, 2024, Plaintiffs filed their first amended complaint with this Court. (Doc. 11).
2. Defendants move this Court to dismiss Plaintiffs' first amended complaint.
3. This Court lacks subject-matter jurisdiction because Plaintiffs failed to allege sufficient facts to establish standing. F.R.C.P. 12(b)(1), (h)(3).
4. Plaintiffs also failed to allege sufficient facts to state a claim upon which relief can be granted. *Id.* 12(b)(6).
5. Defendants submit suggestions contemporaneously with and in support of this motion. L.R. 7.0(a), (c)(1).
6. Defendants request oral argument. *Id.* 7.0(e).

Dated: May 20, 2024

Respectfully submitted,

ANDREW BAILEY
Attorney General

/s/ Caleb Rutledge
Joshua M. Divine, Mo. Bar. No. 69875
Solicitor General
Caleb Rutledge, Mo. Bar. No. 74820
Assistant Attorney General
MISSOURI ATTORNEY GENERAL'S OFFICE
Post Office Box 899
Jefferson City, MO 65102
Tel: (573) 751-0812
Fax: (573) 751-0774
Josh.Divine@ago.mo.gov
Caleb.Rutledge@ago.mo.gov

Counsel for State Defendants

CERTIFICATE OF SERVICE

I hereby certify that, on May 20, 2024, the foregoing was filed electronically through the Court's electronic filing system to be served electronically on all counsel of record.

/s/ Caleb Rutledge